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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,376	04/17/2001	David A. Jablow	Jablow 2	5786

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CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC  
ATTN: JOHN CURTIN  
P.O. BOX 1995  
VIENNA, VA 22183

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT PAPER NUMBER

2155

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/835,376

Applicant(s)

JABLOW, DAVID A.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8-24, 27-39 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-24, 27-39 and 42-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **RESPONSE TO AMENDMENT**

1. This communication is responsive to the amendment and/or arguments received on May 22, 2006.

Claims 1-5, 8-24, 27-39 and 42-52 are pending.

### **The Previous Rejection Maintained**

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on February 24, 2006. Applicants' arguments have been fully considered but they are not persuasive and the previous rejection is maintained.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-24, 27-39 and 42-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aronin** U.S Patent No. **6,454,650** and in view of **Ruckdashel** U.S. Patent No. **6,144,942**.

5. As to claim 1, Aronin teaches a system for providing personalized notification comprising:

a controller adapted to compare personal information and administrative information related to an event a user is participating in and further adapted to send a personalized notification to the user concerning the user's participation in the event (col. 9, lines 1-8).

Although Aronin discloses sending notification to a participant concerning the user's participation in the event, Aronin does not explicitly teach using a user's preferred method of notification.

Ruckdashel teaches a method for notifying an individual of a previously scheduled event. The user configures how he or she wishes to be notified for a particular appointment. The notification methods include wireless pager, email, wireless telephone etc... (see abstract, see Figs 5 and 7, col. 5, lines 21-36).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Ruckdashel into the invention of Aronin in order to allow the user to specify the preferred notification method. This will allow the user to select the notification medium that best suite them and one that they will have access to the fastest.

6. As to claim 2, Aronin teaches wherein the event is a lottery (see abstract).

7. As to claims 3-5, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Aronin in view of Ruckdashel so that notification can apply to any event whether it is lottery or sport or entertainment, because the overall functionality of the system will be the only the type of notification will differ and doing so will give the user access to the information at a faster rate as well as

add convenience to the user that he or she will be kept up to date with information concerning events that they are participating in.

8. As to claims 8-11, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Aronin in view of Ruckdashel so that the notification can be sent via any type of communication medium whether it be e-mail, telephone, fax etc..., because this will allow the user to select the notification medium that best suite them and one that they will have access to the fastest.

9. As to claim 12, Aronin teaches the system as in claim 1 wherein the controller comprises a server (see Fig. 1).

10. As to claim 13, Aronin teaches the system as in claim 1 wherein the controller comprises an Internet server (see Fig. 1, col. 5, lines 1-7).

11. As to claim 14, Aronin teaches the system as in claim 1 further comprising a user database adapted to store the personal information (Fig. 1, system database 36).

12. As to claim 15, Aronin teaches the system as in claim 1 further comprising an administrative database adapted to store the administrative information (Fig. 4, col. 8, lines 56-58).

13. As to claim 16, Aronin teaches the system as in claim 1 further comprising a user network access unit adapted to send the personal information to the controller (Fig. 4, col. 8, lines 56-67).

14. As to claim 17, Aronin teaches the system as in claim 1 further comprising an administrative network access unit adapted to send the administrative information to the controller (Fig. 4, col. 8, lines 56-67).

15. As to claim 18, Aronin teaches the system as in claim 1 wherein the personal information comprises a lottery number (col. 7, lines 43-64).

16. As to claim 19, Aronin teaches the system as in claim 1 wherein the administrative information comprises a winning lottery number (Fig. 4, col. 8, lines 56-67).

17. Claims 20-24, 27-39 and 42-52 do not teach or define any new limitation above claims 1-5 and 8-19, therefore, they are rejected for similar reasons.

### **Response to Arguments**

18. Applicant arguments have been fully considered but they are not considered to be persuasive. Applicant argues in substance that:

Argument: Ruckdashel does not disclose or suggest the sending of a notification using a user's preferred method of notification concerning an event the user is participating in.

Response: It is unclear, but it seems to the examiner that the applicant is arguing the motivation to combine Aronin and Ruckdashel. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Furthermore, Applicant is reminded that the claims are given their broadest reasonable interpretation. The claims merely recite sending of a notification concerning an event the user is participating in and does not specify their participation level or type of participation in the event. Ruckdashel teaches a method for notifying an individual of a previously scheduled event. The user configures how he or she wishes to be notified for a particular appointment. The notification methods include wireless pager, email, wireless telephone etc...(see abstract, see Figs 5 and 7, col. 5, lines 21-36). The fact that the user or individual is scheduled to partake in an event and is receiving notification on the status of the event that he/she is scheduled to take part in is by definition a participant in the event and as such Aronin in view of Ruckdashel meet the scope of the claimed limitation as currently presented.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
September 18, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER